

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gerald W. FISCHER

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Application No.: 09/893,615

Group Art Unit: 1641

AUG 19 2004

Filing Date: June 29, 2001

Examiner: V. Portner

For: OPSONIC AND PROTECTIVE  
MONOCLONAL AND CHIMERIC  
ANTIBODIES SPECIFIC FOR LIPOTEICHOIC  
ACID OF GRAM POSITIVE BACTERIA

Attorney Docket No.: 103901-4199

OFFICIAL

TRANSMITTAL OF REVOCATION AND POWER OF ATTORNEYCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed for filing in the above-referenced patent application is a Revocation and Power of Attorney Under 37 C.F.R. § 3.71, executed by the licensee herein.

No fee is believed to be due in connection with this filing. However, should any fees be due, please charge such fees to Winston & Strawn LLP Deposit Account No. 50-1814.

Respectfully submitted,

Date

8/19/04

Rodney J. Fuller  
For: Allan A. Fanucci(Reg. No. 46,714)  
(Reg. No. 30,256)WINSTON & STRAWN LLP  
Customer No. 28765

202-371-5904

## CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8)

I hereby certify that this paper, together with any other papers noted as attached, is being transmitted by facsimile to the U. S. Patent and Trademark Office, to the specific attention of Examiner V. Portner, Group Art Unit 1641, at (703) 872-9306, on the date shown below.

Date of Transmission: August 19, 2004

Rodney J. Fuller  
For: Allan A. Fanucci(Reg. No. 46,714)  
(Reg. No. 30,256)

DC:371613.1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gerald W. FISCHER

Serial No.: 09/893,615

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For: OPSONIC AND PROTECTIVE MONOCLONAL  
AND CHIMERIC ANTIBODIES SPECIFIC FOR  
LIPOTRICHIC ACID OF GRAM POSITIVE  
BACTERIA

Attorney Docket No.: 103901-04199

REVOCACTION AND POWER OF ATTORNEY UNDER 37 C.F.R. § 3.71Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby revokes all previous powers and appoints Allan A. Fanucci (Reg. No. 30,256), Daniel J. Hulseberg (Reg. No. 36,554), and Jeffrey A. Wolfson (Reg. No. 42,234) of WINSTON & STRAWN LLP (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to Customer No. 28765 to the attention of the Patent Department (telephone 202-371-5904, facsimile 202-371-5950).

Assignments of the entire interest in the subject application were recorded on January 8, 2001 at Reel 011412, Frame 0614 from Gerald W. Fischer and Richard F. Schuman to the Henry M. Jackson Foundation for the Advancement of Military Medicine; and at Reel 011412, Frame 0597 from Hing Wong and Jeffrey R. Stinson to Sunol Molecular Corporation. A license from assignee(s) to licensee was granted authorizing licensee to control the prosecution or take any other appropriate action in this patent or patent application. A redacted copy of this license agreement, dated May 24, 1999, is submitted herewith.

The undersigned has reviewed the assignment and/or license(s), and, to the best of his/her knowledge, title is in the assignee and/or licensee seeking to take action in this application and that he/she is empowered to act on its behalf.

LICENSEE: BIOSYNEXUS INCORPORATED

Signature: 

Date of Signature: 8/18/04

Typed Name: James J. Mond, M.D., Ph.D.

Position/Title: Executive Vice President &amp; Chief Scientific Officer

Address: 9298 Gaither Road

Gaithersburg, Maryland 20877

DC:370331.1

**LICENSE AGREEMENT**

**THIS LICENSE AGREEMENT (this "Agreement") is made and entered into effective for all purposes and in all respects as of the 24<sup>th</sup> day of May, 1999 (the "Effective Date"), by and among (i) HENRY M. JACKSON FOUNDATION FOR THE ADVANCEMENT OF MILITARY MEDICINE ("Foundation"), a tax-exempt Maryland corporation, (ii) SUNOL MOLECULAR CORPORATION ("Sunol"), a Delaware corporation, and (iii) BIOSYNEXUS INCORPORATED ("Biosynexus"), a Delaware corporation.**

6. PATENT FILING, MAINTENANCE AND ABANDONMENT.

6.1. Beginning with the Effective Date, Biosynexus, at its own expense, shall prepare, file, prosecute and maintain U.S. and foreign patent applications and patents for the exclusively licensed Licensed Patent Rights (as referenced in Exhibits A-1, B and C-1), and as a result, Biosynexus shall have control over such exclusively licensed Licensed Patent Rights. Biosynexus shall consult with the respective licensor (Foundation, SJ Group or Sunol, as the case may be) with respect to such preparation, filing, prosecution and maintenance to the extent such consultation is reasonably practical (but in all events Biosynexus shall notify the appropriate licensor of such preparation, filing, prosecution and maintenance). The Foundation and Sunol, as applicable, will pay the cost of preparing, filing, prosecuting and maintaining U.S. and foreign patent applications and patents for, and thus will have control over such non-exclusively licensed Foundation Patents Rights and Sunol Patent Rights (as referenced in Exhibits A-2 and C-2) for the three (3) year period commencing as of the Effective Date. The parties hereto agree to cooperate in the preparation and execution (or cause their authorized agents to prepare and execute) all documents, instruments or other agreements reasonably necessary to enable the responsible party to apply for, to prosecute and to maintain the Licensed Patent Rights. Foundation, the SJ Group and Sunol, respectively, shall provide to Biosynexus, and Biosynexus shall reciprocally provide such parties with prompt written notice as to all matters which come to its attention and which may affect the preparation, filing, prosecution or maintenance of any such Licensed Patent Rights.

IN WITNESS WHEREOF, the parties hereto have executed this License Agreement as of the date first above written.

ATTEST:

HENRY M. JACKSON FOUNDATION FOR  
THE ADVANCEMENT OF MILITARY  
MEDICINE, a tax-exempt Maryland corporation

*Reva Shindler*

By: *John W. Lowe*Name: John W. LoweTitle: President

ATTEST:

SUNOL MOLECULAR CORPORATION, a  
Delaware corporation

*Bernie Hung*

By: *HTog C. Wong*Name: HTog C. WongTitle: President & CEO

ATTEST:

BIOSYNEXUS INCORPORATED, a Delaware  
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*Krista M. Darnell*

By: *Gerald W. Fischer*Name: Gerald W. FischerTitle: President and CEO